IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10412 of 2004

Between:

1. Nurim B.Patan w/o.Rahamatulla,
aged about 47 years, D.No.3/108
(old 3/5) and 3/108-B (old 3/6),
Kadapa District.

2. P.Ramesh, S/o.Late Sri Venkateswarlu,
aged about 42 years, R/o.D.no.7/226
(old 6/222) and D.No.7/227 (old 6/223)
Duvvuru Mandal, Duvvuru village,
Kadapa District.

3. D.Subrahmanyam, s/o.D.Ramaiah,
aged about 35 years, R/o.D.No.7/246
(old 6/225), Duvvuru Mandal,
Duvvuru village, Kadapa District.

..... PETITIONER(S)

AND

1. The Superintending Engineer,
R & B (National Highways), Ongole, Prakasam District.

2. The Executive Engineer,
R & B (National Highways), Kadapa, Kadapa District.

3. The Deputy Executive Engineer,
R & B (National Highways), Kadapa, Kadapa District.

4. The Mandal Revenue Officer,
Duvvuru Mandal, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased

to issue a writ of Mandamus or any other appropriate writ, order or Direction directing the Respondents not to demolish the houses bearing Dr.Nos.3/108 (old 3/5) and 3/108-B (old 3/6); 7/226 (old 6/222) and 7/227 (old 6/223); 7/246 (old 6/225), belonging to the petitioners situate in Duvvuru village, Duvvuru Mandal, Kadapa District by declaring the action of the Respondents in demolishing the structures without following due process of law as arbitrary, illegal and unconstitutional and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner: MR.T.NAGARJUNA REDDY, Advocate.

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

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Oral order:

Heard the learned counsel for the petitioners, the learned Government Pleader for R & B for respondent Nos. 1 to 3 and the learned Government Pleader for Revenue for respondent No.4.

The petitioners claim to have purchased the old houses in the land in question during 1975 for a valuable consideration, and after demolishing the old houses, they constructed new houses, and are living therein since then. They claim that they are not encroachers of government land, and while so, it is their grievance that pursuant to the proceedings dated 14-6-2004 of respondent No.1, the officials of the respondent No.4 sought to demolish the houses of the petitioners. The petitioners submit that no notice whatsoever was issued to them by respondent No.1 before seeking to demolish their houses.

Inasmuch as the petitioners are contending that no notice whatsoever was issued to them by the respondents before seeking to demolish the houses in question, I deem it appropriate to dispose of the writ petition with the following directions:

The proceedings dated 14-6-2004 of respondent No.1, shall be treated as show cause notice to the petitioners. The petitioners shall submit their cause to the notice, and respondent No.4 upon considering the cause that may be submitted by the petitioners, pass appropriate orders. In the event, respondent No.4 comes to the conclusion that the land in question in which the petitioners are living is not a government land and is a private land, then the respondents shall not interfere with the possession of the petitioners, and in the

event, he comes to the conclusion that the land in question is not a private land and is a government land, then they shall give two weeks time to the petitioners to vacate the land, and if the petitioners fail to vacate the land in question, then they may take appropriate steps for their eviction.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: June 23, 2004.
KSR/VS

To

1. The Superintending Engineer, R & B (National Highways), Ongole, Prakasam District.
2. The Executive Engineer, R & B (National Highways), Kadapa, Kadapa District.
3. The Deputy Executive Engineer, R & B (National Highways), Kadapa, Kadapa District.
4. The Mandal Revenue Officer, Duvvuru Mandal , Kadapa District.
5. 2 CCs copies to GP for Reveue, High Court Buildings (O.U.T).
6. 2 CD copies.
7. One spare copy.

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 10412 of 2004

Dated: 23-06-2004